

In re Application of WHITE et al.
Serial No. 10/033,177

REMARKS

The Office action has been carefully considered. The Office action rejected claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,819,092 to Ferguson et al. ("Ferguson") in view of U.S. Patent No. 6,643,652 to Helgeson et al. ("Helgeson"). Applicants respectfully disagree.

By present amendment, claims 1, 10, 16, and 23 have been amended for clarification and not in view of the prior art. Applicants submit that the claims as filed were patentable over the prior art of record, and that the amendments herein are for purposes of clarifying the claims and/or for expediting allowance of the claims and not for reasons related to patentability. Reconsideration is respectfully requested.

Prior to discussing reasons why applicants believe that the claims in this application are clearly allowable in view of the teachings of the cited and applied references, a brief description of the present invention is presented.

The present invention is directed to a robust and efficient service-to-service communications protocol that may handle change information in an identity-centric data access architecture. The system may maintain a role-based relationship for each and every user of each and every service. Thus, when data is changed at one service, the change data may be published to other services such that other users of these other services can be made aware of such changes if certain users of the other services have a role defined as a subscriber of change data from the first service. In order to facilitate the exchange of change data between services, a communications protocol may be used because the manner in which each service

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typically stores data is different from service to service, *i.e.*, an email data construct is different from a calendar appointment data construct.

In one implementation, a "publisher" refers to the service which is the source of the data, while a "subscriber" refers to the service that receives the data. The publisher and subscriber may maintain updated information about each other's users in order to accomplish selective data communication and filtering. As a result, this system may be able to determine that at least one user of the second service has a role that is a subscriber role of change data in relation to at least one user of the first service and may also be able to communicate the change data of the first service to the second service using a service-to-service communications protocol. Note that the above description is for example and informational purposes only, and should not be used to interpret the claims, which are discussed below.

Turning to the claims, amended claim 1 recites in a computer network, a system comprising, a first service for providing access to data based on an associated identity of each user, the first service having at least one user maintaining data therein, a second service for providing access to data based on an associated identity of each user, the second service having at least one user maintaining data therein about the at least one first user, and a communications mechanism configured to exchange information between the first service and the second service, the first service configured as a publisher of change data made by users via the first service, and the second service configured as a subscriber of the change data, the communications mechanism operable to determine that the at

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least one user of the second service has a role that is a subscriber role of change data in relation to the at least one user of the first service and operable to communicate the change data of the first service to the second service using a service-to-service communications protocol.

The Office action rejected claim 1 as being unpatentable over Ferguson in view of Helgeson. More specifically, the Office action contends that Ferguson teaches a first service for providing access to data based on an associated identity of each user. Column 11, lines 10-26 and column 12, lines 23-27 of Ferguson are referenced. Further, the Office action contends that Ferguson teaches a second service for providing access to data based on an associated identity of each user. Again, column 11, lines 10-26 and column 12, lines 23-27 of Ferguson are referenced. Still further, the Office action contends that Ferguson teaches a communications mechanism configured to exchange information between the first service and the second service. Column 11, lines 10-26, and column 28, lines 53-67 of Ferguson are referenced. Further yet, the Office action contends that Ferguson teaches that the first service configured as a publisher of change data made by users via the first service, and the second service configured as a subscriber of the change data, the communications mechanism communicating change information of the first service to the second service using a service-to-service communications protocol. Column 11, lines 10-26, column 24, lines 55-67, column 25, lines 1-5, and column 28, lines 53-57 of Ferguson are referenced.

The Office action acknowledges that Ferguson does not teach determining that at least one user of the second service has a role that is a subscriber role of

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change data in relation to at least one user of the first service as is recited in claim 1. However, the Office action contends that Helgeson does teach this recitation as recited in claim 1. The Office action then concluded that the recitations of claim 1 would have been obvious to a person skilled in the art at the time the invention was made to combine the teachings of Ferguson with the teachings of Helgeson for the purpose of providing reliable monitoring of changes to data in external systems. Applicants respectfully disagree.

Ferguson is directed, generally, toward an online editing system for creating services having any number of subservices capable of communicating data between these subservices. Different services may communicate data back and forth when various updates and changes are made to files maintained at one or more services. As was correctly acknowledged by the Office action, Ferguson does not teach determining that at least one user of the second service has a role that is a subscriber role of change data in relation to at least one user of the first service. As is discussed below, Helgeson does not teach this recitation either.

Helgeson is directed, generally, to a system and method for managing data exchanges in a networked computer system. More specifically, the cited and applied sections of Helgeson teach a notification manager that will notify users via a Change Manager using a communication medium such as email or electronic pages to identify that a change has occurred to a monitored object. In fact, all the subscribers of change data related to the monitored object are notified whenever any change to the object occurs. However, there is no teaching of the change data notification relating to a particular user. Thus, any change that occurs to the

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monitored object will be reported to all subscribers regardless of what entity is making the change to the object. This is not the same as the recitation in claim 1.

In terms of claim 1, Helgeson does not teach nor even suggest a communications mechanism that is operable to determine that the at least one user of the second service has a role that is a subscriber role of change data in relation to the at least one user of the first service and operable to communicate the change data of the first service to the second service using a service-to-service communications protocol. The subscriber role taught by Helgeson is merely in relation to the monitored object and not in relation to another user.

Furthermore, claim 1 has been amended to further clarify that the first service is associated with at least one user that maintains data therein and the second service is associated with at least one second user that also maintains data therein. Helgeson certainly does not teach two different services that maintain data therein associated with two different users such that the services maintain a subscriber/publisher role with each other while also in specific relation to each respective user of the services.

Applicants submit that the Examiner is using hindsight reasoning as a basis for the §103 rejections. As a matter of law, obviousness may not be established using hindsight obtained in view of the teachings or suggestions of the applicants. *W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1551, 1553, 220 USPQ 303, 311, 312-13 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). To guard against the use of such impermissible hindsight, obviousness needs to be determined by ascertaining whether the applicable prior art contains any

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suggestion or motivation for making the modifications in the design of the prior art article in order to produce the claimed design. The mere possibility that a prior art teaching could be modified or combined such that its use would lead to the particular limitations recited in a claim does not make the recited limitation obvious, unless the prior art suggests the desirability of such a modification. See *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). If anything, the prior art references teach away from the present invention as Helgeson specifically desires to have only one change manager notifying users of changes to monitored objects.

Thus, for at least the foregoing reasons, applicants submit that claim 1 is allowable over the prior art of record whether considered alone or in any permissible combination.

Applicants respectfully submit that dependent claims 2-9, by similar analysis, are allowable. Each of these claims depends either directly or indirectly from claim 1 and consequently includes the recitations of independent claim 1. As discussed above, the prior art of record, whether considered alone or in any permissible combination, fails to teach or suggest the recitations of claim 1 and therefore these dependent claims are also allowable. In addition to the recitations of claim 1 noted above, each of these dependent claims includes additional patentable elements.

For example, claim 8 recites the system of claim 1 wherein the communications mechanism is further configured to communicate a response from the second service to the first service in response to the communicating of the

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change information from the first service to the second service. Nowhere in the teachings of Ferguson or Helgeson is there any response to a communication of change information taught or suggested, let alone a response from the second service to the first service in response to the communicating of the change information from the first service to the second service as recited in claim 8. Applicants submit that claim 8 is allowable over the prior art of record for at least this additional reason.

Turning to the next independent claim, amended claim 10 recites a method comprising maintaining data about a user in a first service by at least one user of the first service, maintaining data about the user in a second service by at least one second user of the second service, determining that the at least one user of a second service has a role that is a subscriber role of change data in relation to the at least one user of a first service, communicating data from the first service to the second service using a service-to-service communications protocol, the data including change data of at least one user of the first service, receiving the data at the second service, and updating information at the second service based on the change data.

As mentioned above, the Office action rejected claim 10 as being unpatentable over Ferguson in view of Helgeson. More specifically, the Office action contends that Ferguson and Helgeson teach the recitations of claim 10 and maintain the same rationale as presented with respect to claim 1. As before, applicants respectfully disagree with this rationale.

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As was briefly discussed above, Ferguson teaches, generally, an online editing system for creating services having any number of subservices capable of communicating data between these subservices. As such, different services may communicate data back and forth when various updates and changes are made to files maintained at one or more services.

As also briefly discussed above, Helgeson is directed, generally, to a system and method for managing data exchanges in a networked computer system. More specifically, the cited and applied sections of Helgeson teach a notification manager that will notify users via a Change Manager using a communication medium such as email or pages to identify that a change has occurred to monitored objects. In fact, all the subscribers of change data related to the monitored object are notified whenever any change to the object occurs.

However, neither Helgeson nor Ferguson teach or suggest that the change data notification relates to a particular user. In fact, any change that occurs in Helgeson to the monitored object will be reported to all subscribers regardless of what entity is making the change to the object. This is not the same as the recitation in claim 10.

In terms of claim 10, neither Helgeson nor Ferguson teaches or suggests determining that at least one user of a second service has a role that is a subscriber role of change data in relation to at least one user of a first service. The prior art of record teach that the changes are in relation to a monitored object and not in relation to a user of the object.

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Furthermore, claim 10 has been amended to further clarify that the first service is associated with at least one user that maintains data therein and the second service is associated with at least one second user that also maintains data therein. Helgeson certainly does not teach two different services that maintain data therein associated with two different users such that the services maintain a subscriber/publisher role with each other.

Again, applicants submit that the Examiner is using hindsight reasoning as a basis for the §103 rejections. If anything, the prior art references teach away from the present invention as Helgeson specifically desires to have only one change manager notifying users of changes to monitored objects for all subscribers. Thus, for at least the foregoing reasons, applicants submit that claim 10 is allowable over the prior art of record whether considered alone or in any permissible combination at law.

Applicants respectfully submit that dependent claims 11-15, by similar analysis, are allowable. Each of these claims depends either directly or indirectly from claim 10 and consequently includes the recitations of independent claim 10. As discussed above, neither Ferguson nor Helgeson, whether considered alone or in any permissible combination at law, teach or suggest the recitations of claim 10 and therefore these dependent claims are also allowable over the prior art of record. In addition to the recitations of claim 10 noted above, each of these dependent claims includes additional patentable elements.

For example, claim 12 recites resending the data from the first service to the second service if the response is not received at the first service. Nowhere can

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there be found in Ferguson or Helgeson any disclosure or suggestion of resending any data, let alone resending the data from the first service to the second service if the response is not received at the first service as recited in claim 12. Applicants submit that claim 12 is allowable for at least this additional reason.

Turning to the next independent claim, amended claim 16 recites in a computer network, maintaining data about a user in a first service by at least one user of the first service, maintaining data about the user in a second service by at least one second user of the second service, determining that the at least one user of a second service has a role that is a subscriber role of change data in relation to the at least one user of a first service, receiving a change from a the at least one user at a the first service, and communicating change data from a first service to a second service that subscribes to change information from the first service, the change data communicated automatically via a service-to-service communications protocol.

As mentioned above, the Office action rejected claim 16 as being unpatentable over Ferguson in view of Helgeson. More specifically, the Office action contends that Ferguson and Helgeson teach the recitations of claim 16 and maintain the same rationale as presented with respect to claim 1. As before, applicants respectfully disagree with this rationale.

As was discussed above, Ferguson does not show any teaching or even any appreciation for roles assigned to user of the services such that relationships between users may be maintained. Furthermore, Helgeson simply does not teach or suggest determining that at least one user of a second service has a role that is

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a subscriber role of change data in relation to at least one user of a first service as recited in claim 16. Separately, Ferguson and Helgeson instead teach that the changes are in relation to a monitored object and not in relation to a user of the object.

Nevertheless, claim 16 has been further amended to recite maintaining data about a user in a first service by at least one user of the first service and maintaining data about the user in a second service by at least one second user of the second service. As has been discussed above, neither Helgeson nor Ferguson, whether considered alone in with any permissible combination at law, teach or suggest these recitations. Consequently, applicants submit that claim 16, as amended, is allowable over the prior art of record for at least the foregoing reasons.

Applicants respectfully submit that dependent claims 17-22, by similar analysis, are allowable. Each of these claims depends either directly or indirectly from claim 16 and consequently includes the recitations of independent claim 16. As discussed above, neither Ferguson nor Helgeson, whether considered alone or in any permissible combination at law, teach or suggest the recitations of claim 16 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 16 noted above, each of these dependent claims includes additional patentable elements.

Turning to the last independent claim, amended claim 23 recites a computer-readable medium having computer-executable instructions for maintaining data about a user in a first service by at least one user of the first

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service, maintaining data about the user in a second service by at least one second user of the second service, determining that the at least one user of a second service has a role that is a subscriber role of change data in relation to the at least one user of a first service, communicating data from the first service to the second service using a service-to-service communications protocol, the data including change data of at least one user of the first service, receiving the data at the second service, and updating information at the second service based on the change data.

The Office action rejected claim 23 as being unpatentable over Ferguson in view of Helgeson and cited the exact same sections of Ferguson and Helgeson as were cited in the rejection of claim 1 as noted above. Applicants respectfully disagree.

As was discussed above, Ferguson does not show any teaching or even any appreciation for roles assigned to user of the services such that relationships between users may be maintained. Furthermore, Helgeson simply does not teach or suggest determining that at least one user of a second service has a role that is a subscriber role of change data in relation to at least one user of a first service as recited in claim 23. Both references instead teach that the changes are in relation to a monitored object and not in relation to a user of the object.

Nevertheless, claim 23 has been further amended to recite maintaining data about a user in a first service by at least one user of the first service and maintaining data about the user in a second service by at least one second user of the second service. As has been discussed above, neither Helgeson nor Ferguson

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teach or suggest these recitations. As such, applicants submit that claim 23, as amended, is allowable over the prior art of record for at least the foregoing reasons.

Applicants respectfully submit that dependent claim 24, by similar analysis, is allowable. This claim depends directly from claim 23 and consequently includes the recitations of independent claim 23. As discussed above, neither Ferguson nor Helgeson, whether considered alone or in any permissible combination at law, teach or suggest the recitations of claim 23 and therefore this claim is also allowable over the prior art of record. In addition to the recitations of claim 23 noted above, this dependent claim includes additional patentable elements.

For at least the reasons discussed above, applicants submit that all the claims are patentable over the prior art of record. Reconsideration and withdrawal of the rejections in the Office action is respectfully requested and early allowance of this application is earnestly solicited.


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CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that claims 1-24 are patentable over the prior art of record, and that the application is in good and proper form for allowance. A favorable action on the part of the Examiner is earnestly solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (425) 836-3030.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Response, along with transmittal, petition for extension of time, credit card payment form, and facsimile cover sheet, are being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) on the date shown below:

Date: April 12, 2004


Albert S. Michalik

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